

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

BEST MEDICAL  
INTERNATIONAL, INC.,

Plaintiff,

v.

Case No.: 1:19-cv-03409-MLB

ELEKTA INC. and ELEKTA  
LIMITED,

Defendants.

**JOINT MOTION AND STIPULATION FOR  
EXTENSION OF TIME REGARDING CONTENTIONS AND ELEKTA  
INC.'S DEADLINE TO ANSWER THE AMENDED COMPLAINT**

Plaintiff Best Medical International, Inc. (“Best”) and Defendants Elekta Inc. and Elekta Limited (“Defendants”) (collectively, “the Parties”), hereby stipulate to and move jointly for an extension of time for Best to serve its Infringement Contentions and the Defendants to serve their Non-Infringement and Invalidity Contentions, as well as an extension of time for Defendant Elekta Inc. to file and serve its Answer to the Amended Complaint.

On July 29, 2019, this case was transferred from the District of Delaware to the Northern District of Georgia. A Scheduling Order (D.I. 47) was entered by the Delaware Court on July 17, 2019, before the case was transferred to this Court.

Under the Scheduling Order, the deadline for Best to serve its Infringement Contentions is August 19, 2019, and the deadline for the Defendants to serve their Invalidity Contentions is October 3, 2019. Under Northern District of Georgia Local Patent Rules, the Defendants' deadline to serve their Non-infringement Contentions is September 18, 2019 (30 days from the service of Plaintiff's Infringement Contentions). Further, on July 23, 2019, the Delaware Court entered an Order (D.I. 52) denying Elekta Inc.'s motion to dismiss under FRCP 12(b)(3). Therefore, an Answer to the Amended Complaint is now due from Elekta Inc.<sup>1</sup>

Given the time required to work out access to source code and to allow sufficient time for drafting its contentions, Best requests a short (eleven-day) extension of time for serving its infringement contentions, and the parties request concomitant extensions of the deadlines for the non-infringement and invalidity contentions. In addition, Elekta Inc. requests that the deadline for it to answer the Amended Complaint be set for Friday, August 16, 2019.

WHEREFORE, the Parties hereby stipulate to an extension of time as shown in the table below, and respectfully request the Court's entry of an order extending such dates.

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<sup>1</sup> Defendant Elekta Limited has filed a motion to dismiss under FRCP 12(b)(2) for lack of personal jurisdiction (D.I. 17), which currently pending before this Court.

<b>Activity</b>	<b>Current Deadline</b>	<b>Stipulated Extended Deadline</b>
Plaintiff serve Infringement Contentions pursuant to LPR 4.4(a)	August 19, 2019	August 30, 2019
Defendants serve Non-Infringement Contentions per LPR 4.4(b)	September 18, 2019	September 27, 2019
Defendants serve Invalidity Contentions per LPR 4.4(b)	October 3, 2019	October 14, 2019
Elekta Inc.'s Answer to Amended Complaint		August 16, 2019

A proposed Order is attached hereto.

Respectfully submitted this 15th day of August 2019.

/s/ John W. Harbin

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**LOCAL RULE 7.1D CERTIFICATION**

I hereby certify, pursuant to L.R. 5.1B and 7.1D of the Northern District of Georgia, that the foregoing **JOINT MOTION AND STIPULATION FOR EXTENSION OF TIME REGARDING CONTENTIONS AND ELEKTA INC.'S DEADLINE TO ANSWER THE AMENDED COMPLAINT** complies with the font and point selections approved by the Court in L.R. 5.1B. The foregoing pleading was prepared on a computer using 14-point Times New Roman font.

Dated this 15th day of August 2019.

/s/ John W. Harbin  
John W. Harbin

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on this 15th day of August 2019, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all attorneys of record.

Dated: August 15, 2019

/s/ John W. Harbin  
John W. Harbin